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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8/a

In re Patent Application of

TATO, F

Atty. Ref.: 4161-2

Serial No. 10/088,678

Group:

Filed: March 21, 2002

Examiner:

For: METHOD FOR THE SELECTIVE PROTECTION OF PROLIFERATING
NORMAL CELLS AND THE SELECTIVE ERADICATION OF TUMOR CELLS
HAVING AN INACTIVE P53 PATHWAY

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October 16, 2002

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

PRELIMINARY AMENDMENT

Prior to the first Official Action on the merits in the above-identified application,
please amend the application as follows:

IN THE CLAIMS

Cancel claims 1-27 and insert the following new claims:

--28. (new) A method for protecting proliferating normal cells in an *in vitro* or *ex vivo* culture from the eradication action of a chemotherapeutic compound (class B compound), the culture comprising said proliferating normal cells and tumor cells having an inactive p53 pathway,

said method comprising administering to said culture the chemotherapeutic compound in combination with a protective compound (class A compound),